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20 UNITED STATES DISTRICT COURT

21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 CENTER FOR BIOLOGICAL DIVERSITY, and)
23 THE BAY INSTITUTE)

24 Plaintiffs,)

25 v.)

26 KEN SALAZAR, SECRETARY OF)
27 DEPARTMENT OF)
28 INTERIOR, and U.S. FISH AND)
WILDLIFE SERVICE;)

Defendants.)

Case No. 3:09-cv-05370-MHP

JOINT STATUS REPORT AND
STIPULATED REQUEST FOR
ORDER EXTENDING STAY

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2 On October 28, 2010, Plaintiffs Center for Biological Diversity and The Bay Institute
3 (collectively “the Center”), and Federal Defendants Secretary Salazar and the U.S. Fish and
4 Wildlife Service (collectively “Federal Defendants”) filed a stipulated request for a 60-day stay
5 of this litigation while the parties engaged in settlement negotiations. (Dkt. 44) The Court
6 granted this request on October 29, and ordered that the parties file a joint status report on or
7 before December 28 on the status of such negotiations. (Dkt. 45). The parties herein provide
8 their Joint Status Report and respectfully request an order from this Court extending the stay an
9 additional 60 days, until February 25, 2011.
10

11 JOINT STATUS REPORT

12 Counsel for the parties have reached agreement in principle on substantive terms of a
13 settlement. Counsel for Federal Defendants is recommending that these terms be approved by
14 the appropriate officials in the U.S. Fish and Wildlife Service, Department of Interior, and
15 Department of Justice. The parties are also negotiating regarding Plaintiff’s reasonable
16 attorney’s fees and costs, and Plaintiff has submitted a request for fees and costs that is under
17 review by Defendants.
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20 STIPULATED REQUEST FOR FURTHER STAY OF PROCEEDINGS

21 Given that settlement negotiations have progressed and are continuing, the parties submit
22 that judicial economy would best be served by a further 60-day stay of this litigation. The Parties
23 therefore request, Pursuant to Civil Local Rule (“Civ. L.R.”) 6-2, that the Court grant an order
24 staying this litigation until February 25, 2011, by which time, if the parties have not filed a
25 settlement agreement, they will file a joint status report advising the Court of the status of their
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27

1 settlement discussions and describing whether additional time is needed to complete settlement,
2 or whether a new briefing schedule and hearing date should be set.

3 Dated: December 27, 2010
4

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6 IGNACIA S. MORENO, Assistant Attorney General
7 SETH M. BARSKY, Section Chief

8 /s/ Daniel Pollak

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9 Trial Attorney

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17 /s/ Jaclyn Lopez (with permission)

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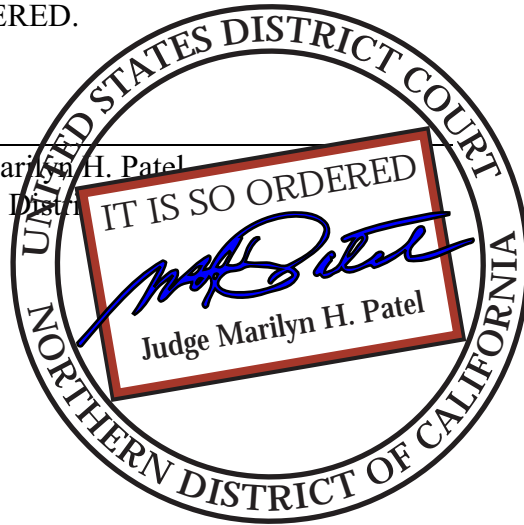
24 Attorneys for Plaintiffs
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 January 3, 2011

3 Dated: _____, ~~2010~~

4 Honorable Marilyn H. Patel
United States District Judge



CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2010, I caused a copy of the foregoing Joint Status Report and Stipulated Request for Order Extending Stay to be served on the counsel of record by means of the Court's electronic filing system:

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/s/ Daniel Pollak
DANIEL POLLAK